Secyt. Pl-48—38,708—27-12-23

# L S 9 (1924) Department.

Mis SERIES.

G.O. No. 1838 Ltr

DATED 4-7-1924

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[Despatch Abstract.]

Tolls - Contribution - Bellary Municipal Council to Cantonment committee - Fixed.

C.F. 52.

In reply please quote number, date and short title.

Land Revenue & Settlement DEPARTMENT.

*Received* ..... *Registered* .....

From (Name) A.C. Duff Esquire I.C.S.,

(Designation) Collector of

Post Box ....., (Station) Bellary.

*Telegraphic Address* .....

To The Secretary to Government
Local Self Government Department,
Madras.

15423

Ref. C. *No.* 1303/24, *dated* 18th May *192* 4.

Sir,

Enclosures .....

Spare Copies .....

Contribution - tolls - Bellary Municipal Council to ~~Bellary~~ Bellary Cantonment Committee - report.

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Ref. G.O. No.532 L & M. dated 27-2-24.

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The Bellary Municipality used to contribute 1/3 of its toll revenue to the District Board and 1/3 subsequently ~~ordered~~ reduced to 2/9 to the Cantonment Committee. On 23-9-21 the Municipality represented to Government that the proportion given to the District Board and the Cantonment Committee was high. In G.O. 2102 L & M Mis. dated 26-10-21 Government ordered that the matter should be settled by mutual agreement. However the Municipality resolved in its meeting on 28-1-22 that 1/6 of the toll revenue should be paid to the District Board and 1/9 to the Cantonment Committee. This decision disregarded the Government order. The District Board protested and Government in G.O. No.~~743~~ 948 L & M. dated 30-5-~~23~~ 22 directed that the dispute between the Municipality and Government ~~xxxx~~ should be settled by a joint committee. This joint committee fixed the amount payable to the District Board, at ¼ which decision the council ratified.

2. The Cantonment Secretary also protested. A joint committee was called ~~and~~ on May 12, 1922 decided that 1/6 ~~of the~~ revenue should be paid to the Cantonment Committee for the year 1921-22 and 22-23, but

nothing was said about 23-24 or subsequent years. When the Council paid their promised quota to the Cantonment Committee a deduction was made of Rs.112-15-6 the expenditure incurred in repairing the toll sheds. The Cantonment committee objected and demanded repayment with 6 per cent interest. The Committee further argued that they had accepted the 1/6 contribution for 2 years only and that ~~for~~ from 1923-24 on wards they were entitled to 1/3 of the toll revenue. A further joint committee was ordered by Government. It met but could not come to any agreement. Government therefore directed me to investigate and report my views.

3. The original payment of 1/3 of the toll revenue to the Cantonment Committee was in accordance with G.O. No.230 F dated 17-2-03 and was 1/3 of the net receipts i.e., after deduction of expenses of collection. There was an alternative 1/3 of the gross receipts less a proportionate share of the expenses. When this share was altered to 2/9 I cannot discover, though I have searched the records of both the Cantonment Committee and the Municipality, but I venture to suggest as an explanation that to avoid difficulties about accounts it was at some time after 1903 agreed that the contribution should be 2/9 net as approximately representing the 1/3 gross less proportionate expenses. In any case it is perfectly clear that the Cantonment Committee only agreed to accept the reduced share of 1/6 for two years, and that there was no sort of justification for the exparte decision of the Municipal Council to pay only 1/9. On the records then the Cantonment Committee is entitled to claim at least 2/9 net.

4. The next question is whether such a share is equitable.

I find that when the decision of the Joint Committee of the Cantonment Committee and the Municipality dated May 1922 was referred to the Cantonment Committee it passed a resolution on 19-6-22 as follows:--

Resolution No.VIII.

"The Committee are satisfied that 1/6 of the total revenue from tolls is a just proportion to be paid to the Cantonment for 1921-22 and 1922-23. x x x x This resolution was passed on a reference from District Head Quarters Wellington No.297/28/Q dated ~~22~~ 25-5-22 asking if the Committee "are satisfied that 1/6 of the total revenue from tolls is a just proportion to be paid to the Cantonment fund for the adequate maintenance of roads within the Cantonment".

5. I find that the length of the roads maintained out of Cantonment funds is 7 miles 4 furlongs & 194 yards ~~Sq.~~ 7½ miles. There are in addition 14 miles of roads maintained by Military works services, but apparently the Cantonment fund does not contribute to their up keep. The Municipality has 44 miles 2 furlongs and 96 yards to maintain ~~Sq.~~ 44½ miles.

44½ ÷ 6 = 745/12 = almost exactly the length of the roads to be maintained by the Cantonment.

6. I conclude that 1/6 is an equitable proportion of the toll revenue to be paid by the Municipality to the Cantonment.

7. I have only to add that I think that 1/6 should be 1/6 of the gross revenue, and that nothing should be deducted for expenses of collection. My reasons are:--

(a) The Cantonment will receive considerably less than they can legitimately claim on their ~~roads.~~ records

(b) as the Cantonment does in fact maintain its roads

in much better order than the Municipality i.e., spends more on them and gives better service for the revenue it receives.

(c) The Cantonment does not as the Municipality does receive grants from Government for maintenance of trunk roads.

(d) The Municipality has succeeded in escaping part of the share it used to pay to the District Board viz., 1/4 instead of 1/3 of its receipts.

K.K.R.22-5-24.

For Collector.

DESPATCHED
22 MAY 1924

(C)

15423

Subject

Tolls - Contribution - Bellary m.c. to Bellary Cantonment.

(D) In Govt. no. 1670 L&M dt 30th July 1923, the Govt. suggested the appointment of a joint committee for settling the proportion of the toll contribution payable by the Bellary m.c. to the Bellary Cantonment Committee. As this committee did not come to an agreement, the Collector of Bellary was requested to investigate the question and (E) to report his views to Govt. vide Govt. no. 532 L&M dt 24.2.24.

2. The Collector now submits the report called for. For the reasons explained by him, his conclusion that the mun. Council should pay one-sixth of the gross toll revenue to the Cantonment may be accepted and the Council may be asked to contribute at this rate from 1923-24. A draft order is submitted.

Cox. 30.5.24

12-JUN. 1924

L.S.G. No 15423-L&M 6.6.24

7-JUN. 1924

Secy

Law (Genl) Dept

CURRENT NO. 3145 LAW GENERAL

Law (Gen.) Dept. 3145-B 26.6.24

N.S.

The draft may be accepted & the file returned to L.S.G.

9.6.24 V.T.K. 10.6

L.S.G.

The file may be cited to,

tka
12-6-24

tccy

14.6.24

circ on 24-6-24

M.2.7.24

3.7

3/7

Scott. II-10 (a)—10,002—22-8-22. (5)

Lgg (Lth) DEPARTMENT.

| | Date. | Initials. |
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| When received for Fair-copying. | | |
| When copied .. | | |
| When examined .. | | |
| When signed .. | | |
| When despatched .. | | |

B

READ AGAIN G.O. No. 1670 Lth, dated 30.7.23 192

" " " " 532 Lth " 27-2-24 192

E

*READ ALSO;—*

C. No. 15423, From the Collector of Bellary Ref C No. 1303-24, dated 18.5. 1924

" " 17115 " " " 192

" " " " " 192

His ORDER.

No 1838 Lgo dated 4/7/1924

The Govt. agree with the Collector that one-sixth of ~~the~~ its gross revenue from tolls annually ~~is any~~ ~~equitable proportion which the Bellary M.C. should be asked to contribute~~ to the Bellary Cantonment Committee. Mer accordingly direct the municipal Council to contribute at this rate from 1923-24.

the M.C. of Bellary should contribute

under Sec. 261 the Madras Dist. Mun. Act, 1920.

Cor
30.5.24

Lka
2-6-24

pr
4.6.24.

To

The Collector of Bellary. (Rso)
Cy. C. Bellary
General Officer Commanding
Madras D. Wellington with C.L. } Lgo

Copy to the Law (Genl) Depot.